

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

BENJAMIN REETZ,

Plaintiff,

v.

**LOWE’S COMPANIES, INC.,
ADMINISTRATIVE
COMMITTEE OF LOWE’S
COMPANIES, INC., and AON
HEWITT INVESTMENT
CONSULTING, INC.,**

Defendants.

Case No. 5:18-CV-00075-KDB-DCK

JOINT MOTION FOR APPROVAL OF CLASS NOTICE

Plaintiff Benjamin Reetz, Defendants Lowe’s Companies, Inc. and the Administrative Committee of Lowe’s Companies, Inc., and Defendant Aon Hewitt Investment Consulting, Inc. (collectively, “Defendants”) (together with Plaintiff, “Parties”) jointly move for approval of the proposed Class Notice attached hereto as **Exhibit A**. In support of this motion, the Parties state:

1. The Parties previously stipulated and agreed to class certification of this action.

ECF No. 94.

2. On November 5, 2020, the Court entered an order preliminarily certifying the following class:

All participants and beneficiaries of the Lowe’s 401(k) Plan whose Plan account balances were invested in the Hewitt Growth Fund at any time on or after October 1, 2015, through the date of judgment, excluding Defendants, any of their directors, and any officers or employees of Defendants with responsibility for the Plan’s investment or administrative functions.

ECF No. 97 at 5. The Court also preliminarily appointed Nichols Kaster, PLLP and Tharrington Smith LLP as Class Counsel. *Id.*

3. In its order preliminarily certifying the class, the Court ordered the Parties to submit a proposed class notice that includes at least a 30-day period for the preliminarily certified class members to object to the certification. *Id.*

4. In accordance with the Court's order, the Parties drafted the proposed Class Notice attached hereto as **Exhibit A**. The proposed Class Notice provides preliminarily certified class members 30 days to object to certification of the class. *Ex. A at 5-6*. Consistent with Federal Rule of Civil Procedure 23(c)(2), the Notice also clearly and concisely states in plain language the nature of the action (*Ex. A at 3*), the definition of the class to be certified (*id. at 5*), the class claims (*id. at 4*), that a class member may enter an appearance through an attorney if the member so desires (*id. at 6*), contact information for Class Counsel (*id. at 7*), and the binding effect of a class judgment on members (*id. at 6*).

5. The Parties intend to distribute the Class Notice by December 13, 2020 via U.S. Mail. Defendants are in the process of preparing the class list, and Plaintiff is in the process of obtaining a vendor to distribute the Notice.

6. To provide preliminarily certified class members with an additional source of information regarding this action, a website will also be established by the vendor retained by Plaintiff no later than December 13, 2020. The website address will be included in the Class Notice. *See Ex. A at 7*. The website will include hyperlinks to the First Amended Complaint, Defendants' Answers to the First Amended Complaint, the Court's Order Granting in Part and Denying in Part the Motion to Dismiss of Lowe's Companies, Inc. and the Administrative Committee of Lowe's Companies, Inc., and the Court's Order Preliminarily Granting Class Certification.

7. Class Counsel will pay for the vendor's services relating to the Class Notice and website, subject to Class Counsel's right to seek reimbursement of such expenses in the event that Plaintiff prevails in this action, or in the event of any class action settlement.

8. Within 14 days after the objection deadline, the Parties will either inform the Court that no objections have been received, or respond to any such objections.

Dated: November 13, 2020

Respectfully submitted,

/s/ Kai H. Richter

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